



CITY OF BRANSON
PLANNING & DEVELOPMENT
110 W MADDUX ST, SUITE 215
PHONE: (417) 337-8535
FAX: (417) 334-2391

FOR OFFICE USE ONLY: Project No. _____
FEE & CODE: **\$25.00** _____ COND
DATE & INITIALS: _____
PAYMENT TYPE: ☐ CASH Receipt # _____
☐ CHECK # _____
☐ CREDIT CARD REF # _____

CONDOMINIUM SPLIT APPLICATION

Applicant Name (Please Print): _____

Applicant Address: _____

Phone Number: _____ **Fax Number:** _____ **Email:** _____

Applicant requests that the condominium plat submitted with this application be approved as required by Chapter 66 of the Branson Municipal Code for the following legally described property:

Street Address: _____

Condominium Development Name: _____

REQUIRED INFORMATION TO BE INCLUDED BEFORE APPLICATION WILL BE ACCEPTED

☒ Please attach a recent copy of the **WARRANTY DEED/DEED OF TRUST**

☒ Please include two (2) paper copies of the proposed subdivision.

Restrictions: (Note: zoning WILL NOT supersede deed restriction(s), if any.)

☐ No deed restrictions

☐ A list of restrictions have been attached.

PROPERTY OWNER/AGENT INFORMATION

Owner's Name (Please Print): _____

Owner's Address: _____

Phone Number: _____ **Fax Number:** _____ **Email:** _____

Owner's Signature: _____

Agent's Name (Please Print): _____

Agent's Address: _____

Phone Number: _____ **Fax Number:** _____ **Email:** _____

Agent's Signature: _____

ACKNOWLEDGMENT OF PROPERTY OWNER

STATE OF _____)
) SS.
COUNTY OF _____)

On this ____ day of _____, 20____, before me personally appeared _____, to me known to be the person described in and who executed the foregoing application, and acknowledged that he/she executed the same as his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in _____, _____ the day and year first above written.

/s/ _____
Notary Public

My term expires _____



APPLICATION NOTES

- * The “applicant” is the person or persons making the request.
- * The “owner” is the owner of the subject property.
- * The “agent” is anyone representing the applicant and/or owner.
- * The owner’s signature must be an original and a WARRANTY DEED/DEED OF TRUST must be provided.
- * Applicant must include an 18 X 24 copy of the replat for review.
- * Once approved, applicant must provide five (5) paper and two (2) mylar copies of the replat bearing the notarized signature of the property owner, along with the recording fee that will be calculated at the time of review and made payable to the Taney County Recorder.

The Planning Division, (417) 337-8544, will be glad to answer any questions you may have or put you in touch with the appropriate City department.

Sec. 66-35. Types of subdivisions.

Three types of subdivisions for development may be permitted as follows:

(1) *Standard subdivision.* This type of subdivision consists of lots of at least 75 feet in depth and the minimum width set out in appendix A to this Code (zoning regulations). All roadways shall be paved to a width and thickness provided by ordinance, but in no case shall public streets have a pavement width less than 28 feet measured from backs of curb. All roadways shall be curbed. Sanitary and storm sewers are required and a public water supply and other urban services are normally available. Standard subdivisions will generally occur adjacent to the presently developed section of the city, will constitute the major portions of residential development in the city, and will follow the traditional tenant-owned concept at a density of two to four homes per acre.

(2) *Minor subdivision.* If a proposed subdivision or reconfiguration of land does not contain more than three lots, each of which has frontage on an existing street, not involving any new street or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the comprehensive plan, major street plan and zoning ordinance, and which are otherwise within all regulations, the owner may proceed with the lot split procedure thus circumventing the normal requirements of subdivision as outlined in this article. The creation of new lots through a lot split procedure will require payment of all required impact fees and dedication on the same basis as creation of new lots in a regular subdivision.

(3) *Condominium splits.* Once a final plat has been approved and recorded on property used for condominium construction, the owner may proceed with the condominium split procedure in lieu of the normal requirements of subdivision as outlined in this article. In order to qualify for the condominium split procedure, each parcel shall have frontage on, or permanent and continuous access through common elements to, existing public streets, and shall not involve any new street, the extension of municipal facilities, or the creation of any public improvements. The creation of each such parcel shall not adversely affect the remainder of the parcel or adjoining property and shall not be in conflict with any provision or portion of the comprehensive plan, major street plan and zoning ordinance, and shall otherwise be in conformance with all applicable city regulations.

(Code 1988, § 430.050; Code 1996, § 430.050; Ord. No. 91-13, § 430.050, 3-25-1991; Ord. No. 96-073, §§ 2, 3, 9-9-1996; Ord. No. 99-959, § 11, 10-11-1999)

Sec. 66-37. Condominium split procedure.

(a) *Application requirements.* The applicant shall be required to submit an application for a condominium split on forms available from the planning division. The application shall include two certified survey maps for review. The certified survey map shall be prepared by a state-registered surveyor in conformance with this article. The survey maps shall show all existing buildings, parking lots, parking spaces, driveways and all paved areas and other features pertinent to proper division, and shall set forth all angular and linear data along the exterior boundaries of the parcel; the linear measurements and location, with reference to the exterior boundaries, of the buildings located or to be located on the parcel; and the elevations or proposed elevations at, above, or below official datum of the finished or unfinished interior surfaces of the floors and ceilings and the linear measurements of the actual or proposed finished or unfinished interior surfaces of the perimeter walls, and lateral extensions thereof, of every unit or proposed unit in the buildings, and the locations or proposed locations of such wall surfaces with respect to the exterior boundaries of the parcel projected vertically upward. Every such unit shall be identified on the plat by a distinguishing number or other symbol.

(b) *Review procedure.* Condominium split applications will be reviewed by the director of planning and development and the city engineer to determine if they meet the requirements for the condominium split procedure. If the application is determined to be eligible for the abbreviated process, the director of planning and development will notify the applicant in writing of the approval, conditional approval or rejection of the division within 21 days of receipt of the application. The determination of the director of planning and development shall be the final action on condominium split procedures. If the condominium split is denied, the applicant may appeal to the planning and zoning commission and board of aldermen in accordance with the procedures in this article.

(c) *Approval of plat and recording.* If approval of the condominium split is granted, the applicant shall supply the city with two copies of the final mylar print and five prints on paper. These documents shall show all applicable information required under section 66-64(h). The approval statements shall be revised to read, "Approved by the Director of Planning and Development, under the authority of the Mayor and Board of Aldermen of Branson, Missouri. Approved by the City Engineer, under the authority of the Mayor and Board of Aldermen of Branson, Missouri." When conditional approval of the condominium split is granted, the conditions imposed shall be complied with prior to the documents being signed and recorded.

(Code 1996, § 430.065; Ord. No. 96-073, § 4, 9-9-1996; Ord. No. 99-959, § 13, 10-11-1999)

Sec. 66-64. Submission and approval of final plat.

(a) *Submission.* After approval of the preliminary plat and public works elements, the subdivider shall prepare and submit to the commission a final plat for recording purposes, together with other supplementary information and certificates. The final plat shall be submitted at least 30 days prior to a regular meeting of the commission. Six prints on paper shall be submitted. Upon approval two final prints on mylar and five prints on paper will be required for recording.

(b) *Fees.* The final plat shall be submitted to the office of planning and development and shall be accompanied by a fee as follows:

Subdivision, final plat:

Base fee . . . \$ 5.00

Plus fee per lot . . . 0.25

Maximum fee . . . 25.00

(c) *Review.* The director of planning and development and city engineer shall review the final plats and submit the final plats to the commission for its review and report. In recommending approval or disapproval of the final plat, the commission shall give attention to the public works review report, compliance with the preliminary plat, and technical recommendations of the city engineer. The applicant shall also submit the final plat to those utility companies or agencies involved for their review of the pattern and dimensions of the proposed easements. Utility companies or agencies shall include Empire Electric or White River Valley Electric Cooperative, the local telephone company, the local cable television company, and the city public works department.

(d) *Required improvements or guarantees prior to final approval.*

(1) Prior to the final reading of the ordinance approving the final plat, the subdivider shall take out all public works permits and provide satisfactory security in the form of a bond, cash escrow or other securities guaranteeing the installation of the improvements and provide a bond in conformance with section 66-123. The subdivider may construct any or all of the permitted public works elements without submission of the security. However, the city will not accept any of the infrastructure until the final plat is recorded and the maintenance guarantee is provided as required in section 66-123. No building permit shall be issued by the city for any lot within the city limits until the required minimum improvements for streets and water are completed in accordance with sections 66-122(b) and 66-122(i).

(2) Any escrow amount held by the city to secure actual construction and installation on each component of the improvements or utilities shall be released within 30 days of completion of each category of improvement or utility work to be installed, minus a maximum retention of five percent, which shall be released upon completion of all improvements and utility work. Any such category of improvement or utility work shall be deemed to be completed upon certification by the city that the project is complete in accordance with the ordinances of the city, including the filing of all documentation and certifications required by the city in complete and acceptable form. The release shall be deemed effective when the escrow funds are duly posted with the United States Postal Service or other agreed-upon delivery service or when the escrow funds are hand-delivered to an authorized person or place as specified by the owner or developer.

(3) No surety bond shall be accepted unless it be enforceable or payable to the city or its agent in a sum at least equal to the cost of constructing the improvements as estimated by the city engineer and in form with surety and conditions approved by the city attorney.

(e) *Action.* After receiving the recommendation of the planning and zoning commission, the final plat shall be submitted to the board of aldermen for its action. The board of aldermen may specify changes or modifications therein which it deems necessary and may make its approval subject to such alterations. The action of the board shall be by ordinance, which ordinance shall include approval of the final plat for recording. In case of planning and zoning commission disapproval, the subdivider may appeal, present the final plat to the board of aldermen and seek approval. Upon approval by the board of aldermen by ordinances duly passed, such approval shall be endorsed on two copies on mylar and

five copies on paper, under the hand of the city clerk and the seal of the city.

(f) *Filing.* The planning and development department shall record the approved plat within 30 days provided all permits for public works improvements have been issued and the improvements either completed or the security received. The subdivider shall pay all fees associated with the recording of the final plat.

(g) *Form.* The final plat prepared for recording purpose shall be drawn at a scale of one inch per 100 feet. The size of sheets on which such final plats are submitted shall be 18 by 24 inches. If more than two sheets are required, an index map showing the entire development shall be shown on each sheet, along with appropriate match lines.

(h) *Information.* The final plat shall show and contain the following information:

(1) Name of subdivision.

(2) Location by section, township, range, county and state, including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions of second order surveying accuracy. All calculations shall be furnished showing bearing and distances of all boundary lines and lot lines and the square foot area of each lot.

(3) Location of boundaries in accordance with the following standards: Third Order, Class I as defined in the current Classification Standards of Accuracy and Specifications for Geodetic Control Surveys, 10 CSR 30-4, Missouri Code of State Regulations. The subdivision survey shall conform to the procedures as defined in the current Minimum Standards of Property Boundary Surveys, 10 CSR 30-1, Missouri Code of State Regulations. Appropriate boundary points shall include their state plane coordinates and grid factor.

(4) Location of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length and radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.

(5) Lots shall be numbered clearly. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block.

(6) The exact locations, widths, and names of all streets to be dedicated.

(7) Location and width of all easements to be dedicated.

(8) Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.

(9) Building setback lines on front and side streets in residential areas, including dimensions.

(10) Name and address of developer and surveyors making the plat.

(11) Scale of plat (the scale to be shown graphically and in feet per inch), date and north point.

(12) Statement dedicating all easements, streets and other public property, properly signed and acknowledged by appropriate persons, surveyor's certification and other language as follows:

a. Legal description. An accurate legal description of the property being subdivided, including acreage.

b. Dedication.

The undersigned proprietors of the property described herein have the same to be subdivided in the manner shown on this plat and said property shall hereafter be known as _____.

It shall be sufficient description of the lots on this plat to hereafter designate the same by the number appearing near the center of the lots followed by the block number appearing near the center of the respective blocks followed by the words: _____.

An easement or license is hereby granted to the City of Branson, Missouri, to locate,

construct and maintain, and to authorize the location, construction, maintenance, or use of conduits, for all and any purpose, water, gas, and sewer mains, poles, wires, anchors and appurtenances thereto, or any or all of them over, under and along the strip of land outlined on this plat and designated "UTILITY EASEMENT" or "U.E."

An easement or license is also hereby granted to the City of Branson, Missouri, to locate, construct and maintain, and to authorize the location, construction, maintenance, and use of surface drainageways and installations, and underground drainage conduits and appurtenances for drainage purposes on, under and along the strips of land outlined on this plat designed "DRAINAGE EASEMENT" or "D.E."

Streets shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

Building lines or setback lines are hereby established as shown on this plat and no building or portion thereof shall be built or otherwise located between this line and the lot or street line, designated B.L.

In testimony whereof, the undersigned proprietors have hereunto set their hands this _____ day of _____ 20_____.

STATE OF MISSOURI

COUNTY OF TANEY

On this _____ day of _____,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in said County and State and day and year last written above.

TABLE INSET:

	_____ Notary Public
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My Commission Expires: _____

Approved by the Planning and Zoning Commission of the City of Branson, Missouri, this: _____.

TABLE INSET:

	_____ Chairman
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Approved by the Board of Aldermen of the City of Branson, Missouri, this: _____.

TABLE INSET:

	Ordinance No. _____
	_____ Mayor
	_____ City Clerk
	_____ City Engineer

This plat prepared by:

Surveyor: _____

(13) Any signature shall have the corresponding name typed, printed or stamped beneath the signature.

(14) Supplementary documents and information to accompany the final plat:

- a. Two three-line profile prints of streets to be dedicated indicating the grades thereon.
- b. Tax certificates from both the city and county shall be submitted, stating that all taxes and encumbrances have been satisfied of record on the land to be dedicated.
- c. Five copies of any private restrictions affecting the subdivision of any part thereof for future reference by the city.
- d. Sewers (storm and sanitary). Plan and profiles of all proposed storm and sanitary sewers. Calculations for storm and sanitary sewers based on minimum design criteria shall be included. Two additional copies of the sanitary sewer plans and a check for the appropriate amount made payable to the state for the state permit application shall be furnished for submission to state agencies.
- e. Water system. Plans for water extensions and distribution lines and letter of approval from the local agency for the water supply.
- f. Plans for street lighting system.
- g. All construction plans shall be on standard 22-inch by 36-inch plan profile sheets.
- h. Subordination of any existing easements where in conflict with proposed right-of-way.

(Code 1988, § 430.090; Code 1996, § 430.090; Ord. No. 91-13, § 430.090, 3-25-1991; Ord. No. 99-959, § 14, 10-11-1999; Ord. No. 2000-074, § 1, 4-24-2000; Ord. No. 2001-141, § 1, 11-13-2001)